

REMARKS

In the Office Action dated September 16, 2009, claims 1-15 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement by virtue of the use of the term “immobilely” in the independent claims of the present application.

Additionally, claims 1, 8, 11 and 12 (the independent claims of the application) were rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi in view of Gregerson et al.

Applicant notes with appreciation the telephone interview courteously afforded the undersigned representative of the Applicant on January 14, 2010, in which the Examiner’s Supervisor, Mr. Dennis Ruhl, also participated.

The following summarizes the discussion in the telephone interview regarding the above issues.

With regard to the rejections under Section 112, first and second paragraph, Applicant proposes to delete the term “immobilely mounted” to refer to the medical imaging scanner and to discuss with the Examiner an appropriate substitute term or phrase that is supported in the original specification. The purpose of including the phrase “immobilely mounted” in the previous Amendment was to distinguish the claimed subject matter from a device of the type disclosed in the Gregerson et al patent, which is commonly referred to as a “mobile” or “portable” x-ray apparatus. Since the medical imaging scanner is stated to be among the plurality of permanently installed components, it would be redundant to also refer to the medical imaging scanner as a “permanently installed medical imaging scanner.”

In the telephone interview, the Examiner and his Supervisor stated that regardless of whether language other than “immobilely” were used in the independent claims, this would not serve as a basis for distinguishing the claims over the teachings of the prior art of record, because the Examiner and his supervisor stated that the extent to which any component can be considered to be “permanently installed” is ambiguous, and even a “permanently installed” component can be removed with a certain amount of effort.

In response each of the independent claims has been amended to delete the term “immobilely” and the computed tomography apparatus has been stated to be installed at an installation site. As noted above, this language in the independent claims is intended to convey no more than a distinction between a computed tomography apparatus installed at an installation site, and a portable apparatus of the type described in the Gregerson et al. reference that can be moved from room-to-room. Those of ordinary skill in the field of medical imaging easily understand the distinction between these different types of devices.

Applicant therefore submits that all claims of the application are in full compliance with all provisions of 35 U.S.C. §112.

With regard to the rejection based on the prior art, the following summarizes the discussion in the telephone interview.

With regard to the statements of the Examiner in the “Response To Arguments” section of the September 16, 2009 Office Action, stating that Applicant provided no proof of the statement that those of ordinary skill in the field of medical imaging consider a gantry of the type disclosed in the Gregerson et al reference to be the core of a permanently installed device, Applicant cites paragraph [0030] which

states that the x-ray CT system described therein is comprised of a gantry apparatus that is *integrally attached* with an x-ray detecting mechanism for emitting x-rays onto a subject and detecting x-rays passing through the subject. Additionally, in paragraph [0033] of Shiraishi, is stated that an image producing program supplies *the gantry apparatus* with several kinds of instructions. Applicant submits these statements in the Shiraishi reference support Applicant's position that the gantry disclosed in that reference, and thus also the gantry disclosed in the Gregerson et al reference, is not a component that is separate from the other components of the overall apparatus. Therefore, a person of ordinary skill in the field of medical imaging would not regard the respective gantries disposed in each of those references as an external device that is separate from the permanently installed components of the installed medical imaging apparatus, as stated in independent claims 1, 8, 11 and 12 of the present application.

The disclosure of the Shiraishi reference, moreover, merely relates to remote servicing of the operation console, as described in paragraphs [0043] and [0045] of the Shiraishi reference. There is not remote servicing of the gantry apparatus, i.e., there is no communication between the gantry apparatus and a remote location for remote servicing, disclosed or suggested in the Shiraishi reference.

Moreover, if the Examiner's definition of the term "gantry" is adopted, as meaning a *frame* serving as a *mechanical support*, there would be no reason to undertake "remote servicing" of such a purely mechanical component.

Moreover, if this definition proposed by the Examiner is adopted, then a separate argument in support of the patentability of claim 2 exists, wherein the external device is claimed to be a power contrast agent injector. Given the

Examiner's aforementioned definition of "gantry," in order to substantiate an obviousness rejection of claim 2, the Examiner would have to provide evidentiary support for the position that it would have been obvious to replace the mechanical component of a gantry with a power contrast agent injector as claimed in claim 2. Applicant submits a person of ordinary skill in the field of medical imaging would have no reason whatsoever to equate those two completely different types of components.

In the telephone interview, it was agreed to amend the independent claims of the application to specifically refer to the imaging apparatus as being a computed tomography apparatus, and to specifically refer to the "external device" as being a power contrast agent injector. As is well known to those of ordinary skill in the field of medical imaging, although it is possible, such as in an angiography suite, to have a contrast agent injector permanently installed together with a computed tomography apparatus, it is more commonplace for the computed tomography apparatus to be permanently installed at an installation site, and to only temporarily (removably) connect a power contrast agent injector to the installed computed tomography apparatus if and when imaging is to be undertaken that requires injection of a contrast agent. For a general purpose computed tomography apparatus, this represents only a small number of examinations, compared to the total number of examinations that are implemented by the general purpose computed tomography apparatus, and therefore the contrast agent injector is only temporarily connected to the control unit of such a computed tomography apparatus, if and when it is needed.

in accordance with the present invention, the temporary connection of the contrast agent injector to the control unit is used to service the contrast agent injector

from a remote location (i.e., remote from the installation site) only while it is connected to the control unit of the computed tomography apparatus.

In the telephone interview, the Examiner's Supervisor questioned whether the claims, if amended in this manner, would read on remote servicing of a power contrast agent injector via the internet, which Applicant has acknowledged as being known in the present specification. The Examiner's Supervisor stated it would be necessary to connect the contrast agent injector to the internet via a server, and the Examiner's Supervisor questioned whether the use of such a server, temporarily connected to the contrast agent injector, would be the same as the subject matter of the claims of the present application.

In the telephone interview, Applicants representative stated this would not be the case, because the server could not be considered as a control unit for a permanently installed computed tomography apparatus, as specifically set forth in the independent claims of the present application.

For the above reasons, therefore, Applicant submits that none of independent claims 1, 8, 11 or 12 would have been obvious to a person of ordinary skill in the design and operation of medical imaging systems, including the remote servicing thereof, under the provisions of 35 U.S.C. §103(a) based on the teachings of Shiraishi and Gregerson et al.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi and Gregerson et al., further in view of Fratt. Claims 3 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi and Gregerson et al., further in view of Bonissone et al. Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi and Gregerson et al.

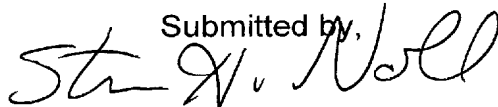
and Bonissone et al., further in view of Dell. Claims 6, 7, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi and Gregerson et al., further in view Dell.

The above arguments concerning the Shiraishi and Gregerson et al. combination are applicable to these rejections as well. For those reasons, even if that basic combination were further modified in accordance with the teachings of one or more of the above-identified additional references, the subject matter of the aforementioned claims still would not result.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



(Reg. 28,982)

STEVEN H. NOLL
SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
233 South Wacker Drive,
Suite 6600
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant

CH2\8358106.1